

# **Democracy Restoration Act (DRA) of 2019**

**SENATOR BENJAMIN L. CARDIN**

**116th Congress**

## ***SECTION-BY-SECTION ANALYSIS***

Section 1: **Short title.**

Section 2: **Findings.**

- This section details some of the statistics and other problems associated with criminal disenfranchisement laws, as well as the recent success of the 2018 Florida ballot initiative.
- There are no standard qualifications for voting in federal elections, so disparate state standards effectively determine who may vote in federal elections, and the same individual may be arbitrarily allowed to vote by one state, but barred by the next.
- The 48 states, plus the District of Columbia, that prohibit voting by some or all people with convictions disproportionately disenfranchise racial and ethnic minorities.
- Disfranchising citizens who are living and working in our communities hinders their rehabilitation and reintegration into society.

Section 3: **Voting Rights of Citizens Protected.**

- This section guarantees all citizens the right to vote in elections for federal office regardless of felony or misdemeanor criminal conviction.
- An individual's voting rights may be restricted, however, in elections that take place while s/he is incarcerated and serving a felony sentence.

Section 4: **Enforcement of Federal Voting Rights.**

- This section authorizes both the Department of Justice and individuals harmed by violation of this Act to sue to enforce its provisions.
- Unless an alleged violation occurs during the 30 days prior to a federal election, individuals must attempt to resolve grievances by providing notice to state election officials before they may file suit. State election officials have 90 days after receipt of a complaint to correct a violation, or 20 days if the complaint is filed within 120 days prior to a federal election. If a violation occurs within 30 days of a federal election, individuals may file suit immediately, without providing notice.
- Neither the Department of Justice nor aggrieved individuals may seek monetary damages.

#### Section 5: **Notification of Restoration of Voting Rights.**

- This section obligates state officials, the federal Bureau of Prisons, and the U.S. Probation and Pretrial Services System to provide written notification of the right to register and vote in federal elections to any individual who has been convicted of a criminal offense. State officials must provide such individuals with any materials that are necessary to register to vote in any such election.
- Notice must be given at the time of sentencing in cases involving misdemeanor charges, and felony charges for which a sentence of probation-only is given.
- Notice must be given at the time of release from incarceration in cases involving felony charges pursuant to which an individual serves time in a correctional institution.

#### Section 6: **Definitions.**

- “Correctional institution or facility” includes all public and private facilities in which individuals are incarcerated pursuant to criminal conviction, but does not include residential treatment centers.
- “Election” means any primary, special, runoff, or general election, including party conventions and caucuses held for purposes of nominating candidates, and elections held to designate delegates to a political party’s national nominating convention.
- “Federal office” means the positions of President, Vice President, and Senator, Representative, Delegate, or Resident Commissioner to the Congress of the United States.
- “Probation” means any period of probation imposed by a federal, state, or local court, without regard to conditions, or lack thereof, related to the person’s movement, payment of restitution, reporting or supervision.

#### Section 7: **Relation to Other Laws.**

- This section makes clear that this Act does not prevent states from providing more expansive federal voting rights than mandated herein.
- This Act also is not intended and should not be read to limit or replace the voting rights afforded by other federal laws, including the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), the National Voter Registration Act (52 U.S.C. 20501), or the Help America Vote Act of 2002 (U.S.C. 20901 et seq.).

#### Section 8: **Restriction on Use of Federal Prison Funds.**

- This section provides that federal funds may not be used to construct or improve correctional institutions unless the jurisdiction (includes state, unit of local government or person) that is served by the institution is: (1) in compliance with Section 3; and (2) has in place a program to notify people released from incarceration of their federal voting rights.

#### Section 9: **Effective Date.**

- This Act applies prospectively to any federal election held on or after its enactment.